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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,802	01/30/2004	Tsunchiko Baba	500.43447X00	3131
24956	7590	01/04/2006		
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER KRAVETS, LEONID	
			ART UNIT 2189	PAPER NUMBER

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/766,802	Applicant(s) BABA ET AL.	
	Examiner Leonid Kravets	Art Unit 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment filed 23 November 2005.

Claim Objections

2. Claim 4 is objected to because of the following informalities: The claim depends on claim 3, which has been cancelled. Appropriate correction is required. For application of art, examiner assumes claim 4 depends on claim 2.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 12 recites the limitation "said switching unit" on page 9. There is insufficient antecedent basis for this limitation in the claim.
5. Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim discloses a first and a second flag within a second switching unit, thus there must be two discrete flags, examiner was unable to ascertain a clear difference between the flags.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2, 4-5, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagami (US PG Pub 2002/0095489).

8. As per claim 2, Yamagami discloses a party switchover method in a computer system having an active computer (Fig 1, Ref 130a), a standby computer for taking over processes of said active computer (Fig 1, Ref 160b) and a disk device for storing volumes shared by said active computer and said standby computer (Fig 1, Ref 111 a, b), said method comprising:

a first step of causing said active computer to decide whether a volume identifier stored in a volume is changed (Fig 4, Ref 420); and

a second step of causing said active computer to determine, in accordance with the result of said decision in said first step, transmission to said standby computer of a notice to the effect that said volume identifier is changed (Fig 4, Ref 430); and

a third step of causing said active computer to transmit to said standby

computer, in accordance with the result of said decision in said first step, a physical device name of a copy volume whose volume identifier is changed (Fig 4, Ref 440).

9. As per claim 4, Yamagami discloses a party switchover method according to claim 3, wherein said standby computer has a buffer holding a table for storing in corresponding relation physical device names of volumes and volume identifiers [Each device has a number associated with it and an address (Fig 2)],

said method further comprising:

a fourth step of causing in said active computer to decide, in accordance with the result of said decision in said first step, whether information is transmitted to said standby computer, said information being adapted to designate a method of changing said volume identifier stored in said buffer in correspondence with said physical device name transmitted to said second computer (Fig 4, Ref 420, 430)

10. As per claim 5, Yamagami discloses a party switchover method according to claim 4, wherein said information adapted to designate the change method in said fourth step includes a designation as to whether said volume identifier stored in said buffer is to be erased (Fig 5, Ref 500, 510, 520, 530, 540).

11. As per claim 8, Yamagami discloses a first computer connected to a memory unit including volumes shared by said first computer and a second computer (Fig 130a, 130b, 111), comprising:

a first disk management information buffer storing physical device names of volumes and volume identifiers with correspondence between the physical device names and the volume identifiers (Fig 2);

a monitor for detecting that a volume identifier stored in a volume is changed (Fig 1, Ref 101a); and

a first switching unit for determining to transmit, in accordance with a result of detection in said monitor to said second computer of a notice to the effect that said volume identifier is changed (Fig 6, Ref 630).

12. As per claim 9, Yamagami discloses a first computer according to claim 8, wherein said first switching unit determines to transmit, in accordance with the result of detection of said changed volume identifier of said volume, to said second computer of a physical device name of a copy volume whose volume identifier is changed (Fig 4, Ref 420).

13. As per claim 10, Yamagami discloses a first computer according to claim 9, wherein said first switching unit determines to transmit, in accordance with the detection results by said first switching unit, to said second computer of information for designating a method of changing said volume identifier stored in said buffer held by said second computer in correspondence with said physical

device name determined to be transmitted to said second computer (Fig 4, Ref 430, Fig 5, Ref 520).

14. As per claim 11, Yamagami discloses a first computer according to claim 10, wherein said information for designating the change method includes a designation as to whether said volume identifier stored in said buffer is to be erased (Fig 5, Ref 530).

Allowable Subject Matter

15. Claim 1 is allowed.

16. Claim 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

17. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Kravets whose telephone number is (571)272-2706. The examiner can normally be reached on Mon-Fri 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leonid Kravets
Patent Examiner
Art Unit 2189

December 29, 2005


BEHZAD JAMES PEIKARI
PRIMARY EXAMINER